BEFORE THE HEARING PANEL
CONSTITUTED BY THE MACKENZIE DISTRICT COUNCIL

IN THE MATTER	of the Resource Management Act 1991
AND	
IN THE MATTER	of submissions on Proposed Plan Changes 28 to the Mackenzie District Plan

JOINT WITNESS STATEMENT

PLANNING EXPERTS FOR

MERIDIAN ENERGY LIMITED, GENESIS ENERGY LIMITED AND MACKENZIE DISTRICT COUNCIL

DATED 6 JUNE 2025

INTRODUCTION AND SCOPE OF EVIDENCE

[1] This Joint Witness Statement addresses the Hydro Inundation provision HI-R1 in Plan Change 28 (**PC28**) to the Mackenzie District Plan. It records the outcomes of conferencing between the following planning experts that was undertaken remotely between the 30th of May 2025 and the 5th of June 2025:

i. Ms Susan Ruston (consultant planner for Meridian Energy Limited);

ii. Mr Richard Matthews (consultant planner for Genesis Energy Limited); and

iii. Ms Meg Justice (consultant planner for Mackenzie District Council).

[2] The Hearings Panel has requested that the preceding planners:

i. Review condition 1 of HI-R1 in line with the structure of NH-R1;

ii. Provide an option to replace condition 1 of HI-R1 with text that mirrors NH-R1;

iii. Consider redrafting of the notified version of HI-R1 to make it more workable and certain;

iv. Consider the additional HI rule proposed by Mr Matthews, and the associated s42A amended wording for the proposed provision, to achieve consistency with any amendments to HI-R1 resulting from i to iii above.

[3] While this is not an Environment Court hearing, the witnesses have each read the Code of Conduct for expert witnesses issued as part of the Environment Court Practice Note 2023 (Parts 8 and 9) and have complied with the Code of Conduct in the preparation of this joint witness statement.

BACKGROUND

[4] The notified version of HI-R1 permits "*New Occupied Buildings*" in the "*GRUZ within the Hydro Inundation Hazard Overlay*" subject to the following conditions being met:

1. *It is demonstrated that the building, will not raise the Potential Impact Classification (Low, Medium, High) under the Building Act 2004 in a manner that would lead to a requirement to cease to operate, upgrade, modify, or replace the hydro-electricity related structures or to significantly alter the operation of an affected portion of a hydroelectricity scheme; and*
2. *The building is located at least 150m from the toe of the embankment of any canal, dam or associated structure; and*
3. *The building is sited within an area of low hazard where "Low Hazard Area" means those areas that result from any dam breach which are subject to inundation where the water depth (metres) x velocity (metres per second) is less than or equal to 1, or where depths are less than 0.5 metres; and*
4. *The building is designed so that any habitable floor area of any residential building is a minimum of 300mm above the maximum inundation level that would result from any dam breach; or*
5. *The building is a temporary structure that is required by the owner/operator of the hydro-electricity generation scheme to undertake maintenance of any dam, canal or and associated structures, and the building is in place for not longer than 12 months.*

[5] The notified version of NH-R1 permits "*New Natural Hazard Sensitive Buildings*" in the "*Flood Hazard Assessment Overlay*" subject to the following conditions being met:

1. *A Flood Hazard Assessment is issued in accordance with NH-S1 and is provided to Council; and*

2. *The building is located outside of a High Flood Hazard Area as stated in a Flood Hazard Assessment issued in accordance with NH-S1; and*

3. *The building has a finished floor level equal to or higher than the minimum floor level as stated in a Flood Hazard Assessment issued in accordance with NH-S1.*

[6] The s42A Report Recommendations Version makes no changes to the notified versions of HI-R1 and NH-R1.

[7] The notified version of NH-S1 reads:

1. *A Flood Hazard Assessment has been issued (that is valid for three years from the date of issue) which specifies:*

   a. *Whether or not the activity is located on land that is within High Flood Hazard Area; and*

   b. *A minimum finished floor level for any new building or extension (or part thereof) that is 300mm above the 500 year ARI flood event level.*

Note: Compliance with this standard shall be demonstrated by a Flood Hazard Assessment prepared by a person or organisation that has been certified by the Mackenzie District Council as being suitably qualified and experienced, or Canterbury Regional Council: https://www.ecan.govt.nz/do-it-online/property-information/flood-hazard-assessments

[8] The s42A Report Recommendations amend NH-S1 to require that the Flood Hazard Assessment is valid for five years (rather than 3 years) and add the following note to the provision:

Note: A Flood Hazard Assessment can either be issued on an individual project basis or on a site-wide basis (as determined by the author of the assessment).

REDRAFTING HI-R1

[9] Ms Ruston, Ms Justice and Mr Matthews (**the planners**) each agree that the construct of NH-R1 is clearer and more workable for a permitted activity rule than the construct of HI-R1 as notified. NH-R1, in combination with NH-S1, clearly identifies who is to undertake the Flood Hazard Assessment and the content of the Flood Hazard Assessment from which compliance with the conditions of the permitted activity rule can readily be determined.

[10] At the same time, the planners consider that referring more completely (than is reflected in NH-R1) to a new HI-S1 would further enhance the clarity and workability of HI-R1.

[11] For the preceding reasons, the planners consider the following version of HI-R1, together with a new HI-S1 (as set out below), retains the intent of the notified version of HI-R1 while making the rule more workable and certain than the notified version of HI-R1.

HI-R1	**New Occupied Buildings**	
GRUZ within the Hydro Inundation Hazard Overlay	**Activity Status: PER** **Where:** 1. A Hydro Inundation Hazard Assessment is issued in accordance with HI-S1 and is provided to Council; or 2. The building is a temporary structure that is required by the owner/operator of the hydroelectricity generation scheme to undertake maintenance of any dam, canal or associated structures, and the building is in place for not longer than 12 months.	**Activity status when compliance is not achieved with R1.1 or R1.2: DIS**

HI-S1	Hydro Inundation Hazard Assessment	Activity Status where compliance not achieved:
GRUZ within the Hydro Inundation Hazard Overlay	1. A Hydro Inundation Hazard Assessment has been issued by the relevant hydro electricity generation asset owner that confirms: a. The Hydro Inundation Hazard Assessment is valid for five years from the date of issue; and b. The building and/or activity is located on land that is within a Low Hydro Inundation Hazard Area where "Low Hazard Area" means those areas that result from any dam breach that are subject to inundation where the water depth (metres) x velocity (metres per second) is less than or equal to 1, or where depths are less than 0.5 metres; and c. The building and/or activity is located at least 150m from the toe of the embankment of any canal, dam or associated structure; and d. For any residential unit, the finished floor level of any habitable room is at least 300mm above the maximum inundation level that would result from any dam breach; and e. The building and/or activity will not raise the Potential Impact Classification (Low, Medium, High) of the hydro-electricity generation scheme (or part thereof) under the Building Act 2004 in a manner that would lead to a requirement to upgrade, modify, or replace the hydro-electricity related structures (or parts thereof), or to significantly alter the operation of an affected portion of a hydroelectricity scheme; and f. Where the Potential Impact Classification is already Medium or High the New Zealand Dam Safety Guidelines	**DIS**

	design criteria would not require the hydro-electricity generation scheme (or part thereof) to be upgraded, modified, or replaced, or significantly alter the operation of an affected portion of a hydroelectricity scheme. Note: Contact details for the relevant hydro electricity generation asset owner can be obtained from the Mackenzie District Council. Note: A Hydro Inundation Hazard Assessment can either be issued on an individual project basis or on a site-wide basis (as determined by the author of the assessment).	

[12] For completeness, in the preceding HI-S1, the planners have referred to "*the relevant hydro electricity generation asset owner*" rather than Meridian Energy Limited or Genesis Energy Limited to ensure that the provision is robust to potential changes in asset ownership.

NEW HI RULE

[13] For consistency with the amended version of HI-R1 already discussed, the planners each agree that if the new HI rule that has been proposed by Mr Matthews (i.e. HI-R1A) was to be adopted it should read as follows:

HI-R1A	**Camping grounds and community facilities**	
GRUZ within the Hydro Inundation Hazard Overlay	**Activity Status: PER** **Where:** 1. A Hydro Inundation Hazard Assessment is issued in accordance with HI-S1 and is provided to Council.	**Activity status when compliance is not achieved with R1.1: DIS**

[14] In addition, Mr Matthews considers that *rural tourism activities* should be included in HI-R1A. This would lead to HI-R1A addressing *Camping grounds, rural tourism activities, and community facilities.* Mr Matthews' reasoning for this addition follows.

[15] Mr Matthews considers that "*rural tourism activities*" as defined in the Mackenzie District Plan provides for a range of activities that if located in the Hydro Inundation Hazard Overlay would potentially increase the Population at Risk and Potential Loss of Life (both of which are defined in the Building (Dam Safety) Regulations 2022) in a manner that could increase the Potential Impact Classification such that upgrades, modifications, replacement, or significant alterations of the operation of an affected portion of a hydro-electricity generation scheme (or part thereof) would be required.

[16] The definition of "*rural tourism activities*" in the Mackenzie District Plan is:

> *…the use of land and/or buildings for agri-tourism, eco-tourism, nature tourism, wine tourism and adventure tourism activities, which may be provided at a tariff, with participants attracted to experience farming or conservation activities and/or the rural or natural environment. It includes:*
>
> *a. guiding, training, education and instructing;*
>
> *b. ancillary services such as booking offices and transportation;*
>
> *c. ancillary retail activity, including sale of alcohol to participants;*
>
> *d. walking and cycling tracks and associated accommodation; and*
>
> *e. facilities to provide opportunities for viewing scenery.*

[17] The relevant rule in the Rural Zone (PC23 Decisions Version) is GRUZ-R9, as follows:

GRUZ-R9 Rural Tourism Activity	
GRUZ Activity Status: PER **Where:** 1. Visitors are limited to a maximum of 100 persons per day. 2. A maximum of five non-resident staff shall be employed in	**Activity status when compliance is not achieved with R9.1 to R9.8: RDIS** **Matters of discretion are restricted to:** a. GRUZ-MD1 Scale, Location and Design

undertaking the activity at any one time. 3. The maximum combined gross floor area of any building/s occupied for the rural tourism activity shall be 500m^2. 4. The maximum gross floor area of any building used for overnight track accommodation shall be 50m^2. 5. A maximum of three huts/cabins or other buildings used for overnight accommodation shall be located on a site. 6. The maximum number of guests that can be accommodated on any site as part of a rural tourism activity shall be six per night. 7. The maximum gross floor area occupied for any ancillary retail sales shall be limited to 50m^2. 8. The activity does not take place within a site listed in SASM SCHED3 – Māori Rock Art. And the activity complies with the following standards: GRUZ-S5 Sensitive Activity Setback from Intensive Primary Production GRUZ-S6 Sensitive Activity Setback from Quarrying Activities and Mining GRUZ-S7 Sensitive Activity Setback from Commercial Forestry	b. The extent to which there are any adverse effects on the natural environment (landscape and ecological) and character and values of freshwater bodies. c. The extent to which the activity may result in conflict and/or reverse sensitivity effects with other activities occurring on adjacent rural land. d. Where the activity is located within any SASM, those matters in SASM-MD1 Activities in a SASM. **Activity status when compliance with standard(s) is not achieved:** Refer to relevant standard(s).

[18] There is no limit to how often such activities can occur, meaning that the rule would allow an activity where up to 100 people per day could be located within the Hydro Inundation Hazard Overlay every day, provided they do not stay overnight. For assessing the Potential Impact Classification for a structure, the New Zealand Dam Safety Guidelines

(2024) identify scales for Population at Risk and Potential Loss of Life as follows:

a. Population at Risk:

0 persons at risk.

1 to 10 persons at risk.

11 to 100 persons at risk.

More than 100 persons at risk.

b. For Potential Loss of Life:

No persons.

One person.

Two or more persons.

[19] This means that relatively small changes in the Population at Risk or Potential Loss of Life factors can result in a requirement to upgrade, modify, replace, or significantly alter the operation of an affected portion of a hydroelectricity scheme.

[20] Mr Matthews accepts that the rules for the Te Manahuna / the Mackenzie Basin ONL will limit the extent to which rural tourism activities can locate within the General Rural Zone. However, the rules for Farm Base areas in the ONL would enable rural tourism activities to occur. Mr Matthews also accepts that some minor rural tourism activities (such as walking and cycling tracks or opportunities for viewing scenery) are unlikely to trigger a change to a Potential Impact Classification for a structure. However, Mr Matthews considers that a Hydro Inundation Hazard Assessment could readily identify that such activities will not result in a requirement to upgrade, modify, replace, or significantly alter the operation of an affected portion of a hydroelectricity scheme without unnecessary assessment.

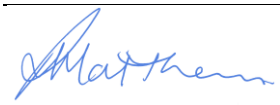
[21] Mr Matthews considers that proposed rule HI-R1A with the inclusion of rural tourism activities would be consistent with (and give effect to)

Objective HI-O1 Hydro Inundation Hazard (minimising risks to human health and property from hydro inundation) and Policy HI-P1 (avoiding, as far as practicable, changes to existing land use activities in the Hydro Inundation Hazard Overlay that may increase the likelihood or scale of harm to people or property from hydro inundation).

SIGNED ON 6 JUNE 2024

Meg Justice (Mackenzie District Council)

Sue Ruston (Meridian Energy Limited)



Richard Matthews (Genesis Energy Limited)